

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 8 NOVEMBER 2018

Present: Councillors Woodward (Chair), D Edwards and Grashoff.

### 15. APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE - MIAH'S GARDEN OF GULAB

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Mouadju Miah for the transfer of the Premises Licence in respect of Miah's Garden of Gulab, 130-134 Wokingham Road, Reading, RG6 1JL.

The report stated that there was currently a Premises Licence in force and the following licensable activities were permitted:

#### Performance of Live Music

Monday to Sunday 1100 hours until 0030 hours

#### Playing of Recorded Music

Monday to Sunday 1100 hours until 0100 hours

#### Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0030 hours

#### Hours for the Sale by Retail of Alcohol

Monday to Sunday 1100 hours until 0030 hours

Good Friday 1200 hours until 2330 hours  
Christmas Day 1200 hours until 2330 hours

New Year's Eve from the end of permitted hours for that day to the start of the permitted hours the following day

#### Hours the Premises are Open of the Public

Monday to Sunday 1100 hours until 0030 hours

The application had been made to transfer the premises licence from Mr Jamshed Miah to Mr Mouadju Miah. A copy of the application form was attached to the report at Appendix RF1.

A representation regarding the application had been received from Thames Valley Police, which was attached to the report at Appendix RF2.

The report stated that in considering representations received, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report set out paragraphs 5.22 to 5.24 of the Council's Statement of Licensing Policy.

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The report also set out paragraphs 1.5, 2.1, 2.6, 8.101, 8.102, 9.11, and 9.12 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2018.

Mr MouadJul Miah, the applicant, and Mr Jamshed Miah, were both present and were represented by their solicitor, Mr Jon Payne, who addressed the Sub-Committee on their behalf.

PC Simon Wheeler and Declan Smyth, Licensing Officer, Thames Valley Police, were both present. PC Simon Wheeler addressed the Sub-Committee on the representation regarding the application as stated in the report.

### **Resolved -**

That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance, as set out in the report, the Council's Statement of Licensing Policy, as set out in the report, the application for the transfer of the Premises Licence in respect of Miah's Garden of Gulab, be refused for the following reasons:

- (a) the applicants inexperience of running such a business did not give the Sub-Committee confidence that the licensing objectives would be promoted;
- (b) the Sub-Committee were concerned that Mr Jamshed Miah would continue as the Designated Premises Supervisor;
- (c) the Sub-Committee believed that Mr Jamshed Miah would still be actively involved in the business and would influence the applicant who has very limited experience, despite the signed declaration to the contrary.

(The meeting started at 9.30am and finished at 10.40am)